

ORIGINAL

Decision No. 18133

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the  
 County of Fresno, State of California,  
 for a permit to construct and maintain  
 a public highway crossing at grade over  
 the right of way and tracks of the Fresno  
 Traction Company at the intersection of  
 Fountain Way Avenue with Wishon Avenue  
 in the said County.

Application No. 13414.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Fresno, State of California, filed the above entitled application with this Commission on the 27th day of December, 1926, asking for authority to construct a public road known as Fountain Way Avenue at grade across the tracks of Fresno Traction Company in Wishon Avenue north of the City of Fresno, as hereinafter set forth. Said Fresno Traction Company has signified by letter that it has no objection to the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned in this application, and that this application should be granted, subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Fresno, State of California, to construct Fountain Way Avenue at grade across the tracks of Fresno Traction Company at the intersection of

Fountain Way Avenue and Wishon Avenue, as shown by the map attached to the application.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Fresno Traction Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Fresno Traction Company.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; and shall be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem

right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day of March, 1927.

Emmert

H. B. Brundage

C. Seaver

Thos. S. Lewis

Commissioners.